

MATTER OF LEJMAN

In Section 212(e) Proceedings

A-13382356

Decided by Regional Commissioner August 7, 1969

An exchange visitor is granted a waiver of the foreign residence requirement of section 212(e) of the Immigration and Nationality Act of 1952, as amended, since compliance therewith would result in exceptional hardship to his United States citizen child where applicant and his family, because of applicant's Jewish background, would be subject to social and economic persecution in the country to which they must depart (Poland).

ON BEHALF OF APPELLANT: Donald L. Ungar, Esquire
517 Washington Street
San Francisco, California 94111

This case comes before the Regional Commissioner on appeal from the decision of the District Director San Francisco, who on June 20, 1969, denied the application in that the appellant had not established that compliance with the two-year foreign residence requirement of section 212(e) of the Immigration and Nationality Act, as amended, would impose exceptional hardship of his minor United States citizen child.

The appellant is a 26-year-old married male, a native and citizen of Poland who was admitted to the United States as an exchange visitor under section 101(a) (15) (J) of the Act on October 6, 1965, and received extensions of stay in that status to June 30, 1968. He was sponsored by the Department of State under Exchange Program G-I-1 destined to the University of California for graduate study in English and English Literature. He has earned a Master's degree and is presently working for his Ph.D., which he expects in 1970. He is on a University of California Regents Fellowship Grant of \$2,666.66 a year; he works as a library assistant earning approximately \$120.00 a month and helps manage the apartment house where he lives, for which he receives a reduced monthly rental. The appellant's wife, age 28, also a native and citizen of Poland, was admitted as a visitor on July 3,